

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36336-2022

Date of decision : 29.09.2022

Sunita and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rakesh Nehra, Senior Advocate with
Mr.Sauhard Singh, Advocate
for the petitioners.

Mr.Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.393 dated 01.11.2020 registered under Sections 148, 149, 302, 341, 427 IPC at Police Station Gohana Sadar, District Sonipat.

On 18.08.2022, this Court was pleased to pass the following order:-

“Learned Senior Counsel for the petitioners inter alia contends that in the present case, the complainant had given a complaint to the police officials against 12 persons and after a detailed investigation, the petitioners were declared as innocent and were not challaned and challan was presented against six persons and thereafter, PW2-Baljeet-complainant had been examined and on the basis of his examination-in-chief, an application under Section 319 of Cr.P.C. was moved, on the basis of which, the petitioners have been summoned. It is further submitted that even as per the FIR, only allegation against the petitioners was that they had called Rishipal @ Rusiya and there is

no specific attribution against the petitioners with respect to having inflicted any injury on any person. It is argued that the complainant himself has stated in the FIR that he came later thus, it is a matter of debate as to how he could tell whether the petitioners had called the deceased or not and at any rate, there is no record of any telephonic call between the petitioners and the said Rishipal @ Rusiya. It is further argued that the petitioners are not involved in any other case and petitioner No.1 is a 47 year old lady and petitioner No.2 is a college going student. It is contended that since the investigation is complete and no recovery is to be effected from the petitioners thus, their custodial interrogation is not required. It is further contended that the petitioners would appear before the trial Court on or before 23.08.2022 which is the next date of hearing before the trial Court and would also give an undertaking to appear on each and every date before the trial Court unless their personal appearance is specifically exempted by the trial Court.

Notice of motion for 29.09.2022.

In the meantime, the petitioners are directed to appear before the concerned trial Court on or before 23.08.2022 and to give an undertaking to appear on each and every date unless their personal appearance is specifically exempted by the trial Court and on doing so, the concerned trial Court is directed to release the petitioners on interim bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court.

18.08.2022 **(VIKAS BAHL)**
JUDGE”

Learned senior counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have appeared before the Additional Sessions Judge, Sonapat and have furnished their bail bonds and surety bonds which have been accepted and attested. He has handed over a photocopy of the zimni order dated 31.08.2022 passed by the Additional Sessions Judge, Sonapat, which is taken on record as Mark A.

Keeping in view the above said facts and circumstances, the

absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

September 29, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No